IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Bail Appl..No. 3960 of 2007(G)

CRIME NO.238/07 OF PUTHUNAGARAM POLICE STATION

PETITIONER/2ND ACCUSED:

GULAM MOHAMMED,M/S.A.G.M.TRADERS,
BIG BAZAR,NEAR NORTH POLICE STATION,
PALAKKAD-14.

BY ADV. SRI.P.VIJAYA BHANU
SRI.PRAVEEN.H.
SRI.G.HARIHARAN
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
PUTHUNAGARAM,PALAKKAD DISTRICT.

2. STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.3960 & 4000 of 2007

Dated this the 9th day of July 2007

O R D E R

Applications for anticipatory bail. These are both anticipatory bail applications arising from crime No.238/07 of Puthunagaram police station, Palakkad District. The crime has been registered under the provisions of the Essential Commodities Act. The crux of the factual allegations is that one lorry load of rice was seized by the police officials on the apprehension that such rice was intended to be distributed through the public distribution system. Investigation is in progress.

2. The petitioner in B.A.No.3969/07 is the person who had brought that rice into Kerala. The petitioner in B.A.No.4000/07 is the owner of the lorry in which such rice was brought in and which was intercepted by the police officials.

3. The learned counsel for the petitioners submit, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied, in these circumstances, that the

petitioners can be granted anticipatory bail. In the absence of opposition from the learned Public Prosecutor, it is not necessary for me to advert to facts in any greater detail in this order. Suffice it to say that in response to a pointed query by the court, it is not seriously disputed that there is no allegation now that the rice in question is rice intended to be distributed under the Kerala rationing order. I do, in these circumstances, carefully avoid any detailed discussion on facts.

4. In the result, these petitions are allowed. Following directions are issued under Section 438 Cr.P.C.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 16/07/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.1,00,000/-(Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 3 p.m on 17/07/2007 and 18/07/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period

of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 16/07/2007, they shall be released on bail on their executing a bond for Rs.1,00,000/- (Rupees one lakh only) without any sureties, undertaking to appear before the learned Magistrate on 16/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007